

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jeffrey D. Slocum,

Plaintiff

V.

Glenn Fowler, et. al.,

Defendants

2:16-cv-02169-JAD-CWH

Order Denying Motion for Default

[ECF No. 17]

On October 10, 2017, I denied without prejudice plaintiff Jeffrey Slocum's motion for summary judgment in this prisoner civil-rights case as premature because it was filed before any defendant had even been served.¹ Yet, two weeks later, Slocum moved the court to enter default against the defendants because none had opposed the motion for summary judgment.² Because I denied the motion for summary judgment as premature, it is no longer pending and no defendant has an obligation to oppose it. Even if the motion were still pending and the defendants had failed to oppose it, I still would not use their lack of opposition as a basis to enter default against them.³

19 Accordingly, IT IS HEREBY ORDERED that Slocum's Motion for Default
20 [ECF No. 17] is DENIED.

DATED: October 31, 2017.

Dosley

U.S. District Judge Jennifer A. Dorsey

¹ ECF No. 13.

² ECF No. 17.

³ See Local Rule 7-2(d) (explaining that the failure to oppose some motions may be deemed consent to granting the motion—unless it's a motion for summary judgment or attorney's fees).